

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DYLAN THOMAS,

Plaintiff,

vs.

GABRIAL MATTINGLY, Confidential
Informat; SARPY COUNTY SHERIFFS
DEPARTMENT, State Actor, Individual
Capacity; LINCOLN POLICE
DEPARTMENT, and LINCOLN
REGIONAL CENTER,

Defendants.

8:21CV272

**MEMORANDUM
AND ORDER**

This matter is before the court on Plaintiff's Filing 33, in which he requests that no further filing fee installment payments be collected because he is currently confined at the Lincoln Regional Center after being "found not responsible by reasons of insanity and mental defects."

While Plaintiff is correct that an inmate in a state mental institution who has been committed after being found not guilty of a criminal charge by reason of insanity is not "prisoner" who is subject to the Prison Litigation Reform Act's inmate-account procedures, *see Kolocotronis v. Morgan*, 247 F.3d 726 (8th Cir. 2001), the court is unable to confirm Plaintiff's alleged status as a non-prisoner. The state's online database (<https://www.nebraska.gov/justice/case.cgi>) indicates that criminal charges against Plaintiff remain pending in the District Court of Douglas County, Nebraska, in Case No. CR20-2652.

Thus, Plaintiff will need to provide the court with satisfactory proof that he is no longer a prisoner before the collection of filing fee installment payments can be discontinued.

IT IS THEREFORE ORDERED:

1. Plaintiff's motion to stop collection of fees (Filing 33) is denied without prejudice to refiling.
2. The clerk of the court is directed to update Plaintiff's address and to provide a copy of this Memorandum and Order to the appropriate official at the Lincoln Regional Center.

Dated this 20th day of October, 2022.

BY THE COURT:



Richard G. Kopf
Senior United States District Judge